

**AUG 01 2003**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PAUL H. SCHNEIDER,

Defendant - Appellant.

No. 02-30179

D.C. No. CR-01-00110-MFM

ORDER

Before: LAY,\* WALLACE, and TALLMAN, Circuit Judges.

Judges Lay and Wallace have voted to grant the petition for rehearing; Judge Tallman has voted to deny the petition for rehearing. Judge Tallman has voted to deny the petition for rehearing en banc, and Judges Lay and Wallace would so recommend.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

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\* Honorable Donald P. Lay, Senior United States Circuit Judge for the Eighth Circuit, sitting by designation.

The petition for panel rehearing is GRANTED. The petition for rehearing en banc is DENIED. The Memorandum disposition filed on May 29, 2003, is hereby withdrawn. A new Memorandum disposition will be filed simultaneously with this Order.